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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,670

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01/30/2006

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,670

Applicant(s)

ELIZONDO ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-6 and 20-34 is/are allowed.
- 6) ☒ Claim(s) 2, 3 and 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 16, line 3 and 19, line 3 are objected to because of the following informalities:

Presently there is claimed "ones of the" anchor points. This should be replaced with - - respective - -. This correction adds clarity and readability.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 7-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner understands from Applicant's Remarks in the amendment filed 11/14/05, that only one of the three OR the four point belts need to be able to be selected and an additional five point arrangement as a second "option".

Claim 2 is unclear. In claim 2, Examiner believes that claim 2 is claiming that there are both 3 and 4 point arrangements claimed and the occupant has the option of both a 3 and a 4 point arrangement, however, as presently worded in claim 1 and claim 2, there has not positively been claimed both a 3 and a 4 point belt arrangement at this point. Examiner suggests the term "both" be used (as originally filed) in addition to claiming that there are both 3 and 4 points positively claimed and are both options.

Claim 7 is unclear. First, there should be language to state that the first and second leg portions are adjacent "after the belts are connected". Furthermore, this is only true in a 4 point installation arrangement and the language of claim 4 which is "one of either...3 or 4" does not positively claim a 4 point installation.

Claims 8 and 12, lines 14 are unclear. There is claimed a "second three-point arrangement". The language earlier in the claim which is "one of either a 3 or 4" has not previously claimed a first 3 point arrangement, therefore it is unclear to claim a second 3 point arrangement. Examiner has considered claims 8 and 12 to claim first and second three point arrangement for Examining purposes in this Action.

Claims 9 and 10 repeat the issue that 2 three point arrangements have not been positively claimed.

Claim 13, line 12 is unclear. The term "a connector of the plurality of anchor points" is unclear that the connector does not "connect the anchor points". The connector, as Examiner understands, the connector is the dual buckle that allows for the attachment of each buckle from each 3 point arrangement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3,8,9,13,14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (USPN 3,052,432).

Martin was discussed in the First Office Action, but is used in this new rejection.

Martin discloses a restraint system for a vehicle seat that provides a seat occupant options for multiple seat belt arrangements, the restraint system comprising a plurality of anchor points at predetermined location about the seat for seat belt webbing. The arrangement of Martin could be arranged a one of a three or a four point arrangement. At least a four point arrangement is shown in Figure 2 if the anchor point between the legs of the occupant is not used, which would be an "option" of the occupant. Also, there is a five point arrangement that is an option of the occupant. The seat has opposed lateral sides, the plurality of anchor points comprise a pair of points along each side of the seat, and the seat belt webbing includes a first belt member each side of the seat extending between one of the pairs of anchor points along one side of the vehicle seat, and a second belt member extending between the other of the pairs of anchor points along the other side of the seat.

The Martin arrangement has the "option" for the occupant to arrange either multiple 3 point arrangements, a four point arrangement and a five point arrangement (this is a total of 4 "options").

The connector (16) allows for a left shoulder belt and right and left laps belts (one 3 point), a right shoulder belt and right and left lap belts (a second 3 point symmetrical to the first), both shoulder belts and lap belts (a four point) and then an additional belt between the legs (a five point). This connector has at least a dual buckle to each of the tongues in the five point arrangement.

The vehicle seat includes seat framework and the vehicle seat is mounted within the vehicle having a vehicle structure and the anchor points are mounted to one of the seat framework and the vehicle structure.

Allowable Subject Matter

Claims 1,4-6 and 20-34 are allowed.

Claim 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2,7,10-11,15-17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Examiner has considered Applicant's arguments, but they are considered moot in view of the new rejections made in this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tucker (USPN 5,306,044), Miculici et al. (USPN 5,449,223), Czapski (USPN 5,472,260), Clune (USPN 6,293,588), David (USPN 6,338,529), Van Druff et al. (USPN 6,367,882), Roychoudhury et al. (USPN 6,786,510), Vits et al. (USPUB 2003/0173817).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
January 22, 2006



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